



NEWSLETTER

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" QUO VA D IS EBA ??????"

Early in October this year the EBA is going to hold its general annual meeting. The EBA has celebrated so many annual meetings in the past where reports have been heard, endorsed or amended; officers have been confirmed or replaced. What has not changed all these time is the legal status of EBA itself. It was formed some forty years ago as an association under the civil code with a legal obligation to renew its lease of life year in and year out.

Added to that is the fact that as a mere Association under the civil code, the EBA still continues as an organ with no authority in the administration of the legal profession. True its members participate in the disciplinary and licensing committees of the Ministry of Justice. These are good gestures but signify only a small part when seen from the larger perspective of the authority and independence of the legal profession.

In other countries it is now believed that the legal profession cannot remain independent if it cannot decide on its own the conditions and qualifications for entrance and set its own discipline and regulations. Today the legal profession is accorded legal authority in terms of licensing and self-administration in almost all states in Africa. It is now accepted that an independent legal profession is essential to propagate, protect, and encourage the respect for the rule of law in any democratic society. Such independence puts an added responsibility on

individual lawyers and their association in promoting the ideals of the rule of law and the values of democracy. And precisely for this reason the independence of the legal profession is considered as an inseparable sine qua non of the independence of the judiciary.

Since its inception the EBA has continued to live under the guardianship of the Ministry of Justice. With the adoption of the Federal system the MINISTRY OF JUSTICE is divested of this monopoly of guardianship with the result that part of these powers have devolved on the regional states. Whatever may be the case it is high time to start thinking that the Emancipation of EBA is long over due. The opposite view will only result in condemning the EBA to a stunted growth that will subject it to perpetual minority. This emancipation could be brought about by a special statute or charter that would accord autonomy and firm legal personality to the EBA and the respective regional Bar Associations. The EBA and all responsible members of the legal profession must start thinking in terms moving in that direction.

So we ask when will be that day!!